

Before the
Federal Communications Commission
 Washington, D.C. 20554

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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)	
)	
Cellular Service and Other Commercial)	WT Docket No. <u>97-112</u>
Mobile Radio Services in the Gulf of Mexico)	
)	
Amendment of Part 22 of the Commission's)	CC Docket No. 90-6
Rules to Provide for Filing and Processing of)	
Applications for Unserved Areas in the)	
Cellular Service and to Modify Other)	
Cellular Rules)	

To: The Commission

COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby submits brief comments in response to the Commission's Public Notice of March 27, 2000, providing the opportunity for additional public comment in the above-referenced proceeding.¹ As a result of the recently-approved wireless joint venture between Bell Atlantic Corporation and Vodafone AirTouch, Plc, Verizon Wireless now operates the broadband personal communications services ("PCS") services systems formerly licensed to PrimeCo Personal Communications, L.P. and its subsidiary licensees ("PrimeCo").²

¹ *Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico*, WT Docket No. 97-112, *Amendment of Part 22 of the Commission's Rules to Provide for Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules*, CC Docket No. 90-6, *Second Further Notice of Proposed Rulemaking*, 12 FCC Rcd. 4516 (1997), 65 Fed. Reg. 24168 (April 25, 2000) ("*Second Further Notice*").

² These broadband PCS licensees' service areas include all of the land areas surrounding the Gulf of Mexico.

As the Commission is aware, PrimeCo has actively participated in this proceeding and would be directly affected by any change to existing PCS licensing arrangements in or along the Gulf.³ As the successor-in-interest to PrimeCo, Verizon Wireless remains concerned that the Commission's actions not adversely affect the deployment of PCS service to the Gulf coast or compromise existing services provided there.

For the reasons discussed herein and in PrimeCo's previous filings, the public interest and the record in this proceeding demonstrate that the Commission: (1) should confirm that broadband PCS service areas already are authorized to extend into the Gulf's offshore areas; (2) should not license separate Gulf-only broadband PCS services in the Gulf. This result is consistent with Commission rules and precedent and comports with RF propagation characteristics affecting land-based and Gulf CMRS service. Any change to incumbent PCS licensees' service rights will instead undermine the reliability and ubiquity of broadband PCS service to land-based *and* offshore customers.

DISCUSSION

In its earlier filings, PrimeCo demonstrated that the Commission has already authorized broadband PCS licensees with MTA and BTA service areas along the Gulf to serve the Gulf's offshore areas, and that separate Gulf licensing of broadband PCS, as discussed in the *Second Further Notice*, is contrary to the public interest:

- The Commission's MTA PCS service area rules define boundaries based on county lines which, under state law, extend into the Gulf's offshore areas. PCS

³ See Comments of PrimeCo Personal Communications, L.P., filed July 2, 1997; Reply Comments of PrimeCo Personal Communications, L.P., filed August 4, 1997; PrimeCo Personal Communications, L.P., *Ex Parte* Presentation, filed February 4, 1998; PrimeCo Personal Communications, L.P., *Ex Parte* Presentation, filed October 7, 1998.

service rules, Commission precedent and the record in this proceeding all support the conclusion that PCS licensees have water-based service rights.⁴

- The Commission's PCS spectrum allocation and related 2 GHz microwave relocation rules and precedent, which are intended to facilitate nationwide deployment of PCS and to clear incumbent microwave licensees from all PCS spectrum, including that in the Gulf, support PrimeCo's position.⁵
- The public interest in protecting the reliability and continued improvement of incumbent licensees' authorized operations within their service areas, also support PrimeCo's position. Incumbent PCS licensees have reliance interests and authorized operations that must be protected. The community of interest between the land-based customers and CMRS users in the proposed Coastal Zone further militates against separate Gulf licensing.⁶
- A separate Gulf of Mexico PCS license allocation presents a significant risk of harmful interference to incumbent PCS licensees' systems. As the Commission has acknowledged throughout this and other proceedings, RF propagation characteristics over water pose unique engineering challenges and difficulties for land-based carriers. Authorizing separate Gulf-based carriers to transmit signals toward the shoreline will cause harmful interference to the detriment of consumers, and will hinder the deployment of reliable service to land-based customers.⁷ Such an outcome is contrary to the Commission's objectives in the *Second Further Notice* and would adversely affect public safety.⁸
- The record indicates that the Gulf of Mexico is not a legitimate service area to separately license via competitive bidding. RF interference problems, resulting service degradation and confusion to customers, and site availability limitations, all weigh against licensing the Gulf offshore areas via competitive bidding.⁹ The Commission should *not* separately license PCS service in the Gulf.

⁴ See PrimeCo Comments at 4-11; PrimeCo Reply Comments at 2-8.

⁵ See PrimeCo Comments at 12-15.

⁶ See *id.* at 13-21.

⁷ See *id.* at 15-21.

⁸ *Second Further Notice* ¶ 2 (objective of proceeding is to reduce conflict between water-based and land-based carriers).

⁹ See PrimeCo Comments at 22-26.

Commission decisions during the pendency of this proceeding and the continuing problems with respect to cellular service in shoreline areas further support PrimeCo's position in this proceeding. The Commission's cellular service licensing decisions authorizing Gulf-based carriers to provide service up to the shoreline continue to pose service degradation problems and licensing disputes between land- and Gulf-based cellular licensees still proliferate.¹⁰ In addition, the Commission has reaffirmed incumbent microwave licensees' obligations to clear the 2 GHz spectrum, and acknowledged the RF interference concerns posed by separately licensed 2 GHz operations in the Gulf offshore areas.¹¹

Moreover, the Commission has again recently acknowledged the adverse impact of RF interference on deployment of wireless services in and around the Gulf. Specifically, in the 700 MHz proceeding, the Commission allocated service areas and adopted service rules authorizing the new licensees to serve well into the Gulf of Mexico offshore areas.¹² There, the Commission acknowledged that:

Having the service area extend into the Gulf will provide service for oil rigs and other mining installations located there *without the difficult*

¹⁰ See, e.g., *Bachow Coastel, LLC v. GTE Wireless of the South*, Order, DA 00-420, ¶¶ 8-12 (rel. Feb. 29, 2000); Public Notice, *Wireless Telecommunications Bureau Grants Special Temporary Authority to ALLTEL Corporation Allowing Improvements in Cellular Coverage in Coastal Florida*, DA 99-2073 (rel. Oct. 4, 1999); GTE Service Corporation, *Ex Parte* Presentation in WT Docket No. 97-112, filed May 2, 2000, at 1-2. Indeed, the Commission acknowledges these ongoing problems in the *Second Further Notice*. *Second Further Notice* ¶ 26.

¹¹ *Rig Telephones, Inc. d/b/a Datacom*, Order on Reconsideration, DA 00-472, ¶¶ 15-16 (rel. March 2, 2000) ("we are concerned that the same circumstances we have previously addressed relating to communications in the Gulf could make it difficult to isolate any sources of interference").

¹² It is expected that new 700 MHz services will compete with existing cellular and broadband PCS services.

*interference issues that have arisen in the past when one licensee served the Gulf and different licensee the adjoining land.*¹³

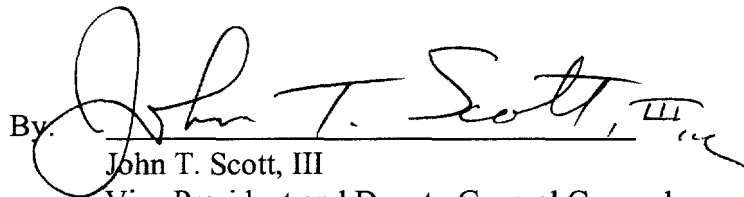
This recent determination again underscores the fact that the characteristics of RF signal propagation over the Gulf make it imperative that the Commission *not* allocate separate Gulf-based PCS licenses.

CONCLUSION

For the foregoing reasons and those discussed in PrimeCo's earlier filings in this proceeding, the Commission should affirm incumbent broadband PCS licensees' existing authority to serve the Gulf of Mexico's offshore areas and should *not* establish separate PCS licenses for the Gulf or otherwise compromise incumbent PCS licensees' service rights.

Respectfully submitted,

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¹³ See *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules, First Report and Order*, FCC 00-5, ¶ 56 n.137 (rel. Jan. 7, 2000) (emphasis added); 47 C.F.R. § 27.6(b).